

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**EVERLENE TALBERT
500 PENN CT
NORTH LIBERTY IA 52317**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-05450-AT
OC: 04/17/05 R: 03
Claimant: Appellant (4)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Everlene Talbert filed a timely appeal from an unemployment insurance decision dated May 13, 2005, reference 03, which ruled that she had been overpaid by \$127.00 for the week ending April 30, 2005. Due notice was issued for a telephone hearing to be held on June 14, 2005. Ms. Talbert did not participate in the hearing. This matter is considered on a consolidated with appeals 05A-UI-05448-AT and 05A-UI-05449-AT. The administrative law judge takes official notice of Agency benefit payment records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Everlene Talbert received unemployment insurance benefits in the gross amount of \$127.00 for the week ending April 30, 2005. The administrative law judge's decision in 05A-UI-05448-AT affirms that Ms. Talbert was ineligible for benefits for that week. His decision in 05A-UI-05449-AT rules that Ms. Talbert was eligible for unemployment insurance benefits for the week ending May 28, 2005, a week for which she received no benefits, but was entitled to receive \$127.00. The underpayment offsets the overpayment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the agency. The evidence establishes that Ms. Talbert was overpaid for the week ending April 30, 2005. The overpayment has been recovered, in essence, due to the underpayment of benefits for the week ending May 28, 2005. The claimant owes nothing to the Agency at this time.

DECISION:

The unemployment insurance decision dated May 13, 2005, reference 03, is modified. The claimant was overpaid by \$127.00 for the week ending April 30, 2005, but was underpaid by \$127.00 for the week ending May 28, 2005. As a result, the overpayment shall be removed from the claimant's record.

kjw/pjs